

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1816

In re Application of: WALLACH et al

Application No.: 08/485,129

Filed: June 7, 1995

For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR ..

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sir:

Transmitted herewith is an [XX] Amendment [ ] in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[ ] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 16	MINUS	* * 20 = 0
INDEP. * 3 FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			
MINUS * * * 3 = 0			

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 11	\$		x 22	\$
x 41	\$		x 82	\$
+135	\$		+ 270	\$
TOTAL ADDITIONAL FEE			OR TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

## [XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- [ ] First - \$ 55.00
- [ ] Second - \$200.00
- [ ] Third - \$475.00
- [ ] Fourth - \$755.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- [XX] First - \$ 110.00
- [ ] Second - \$ 400.00
- [ ] Third - \$ 950.00
- [ ] Fourth - \$1510.00

## Month After Time Period Set

[ ] Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_.

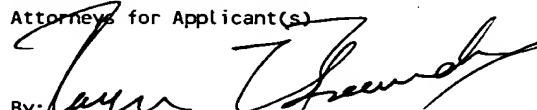
[XX] A check in the amount of \$110.00 is attached (check no. 16916).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:

  
 ROGER L. BROWDY  
 Registration No. 25,618

Facsimile: (202) 737-3528

Telephone: (202) 628-5197

RLB:al

Initial Review

# 116

15

81816

BOX AF

RESPONSE UNDER 37 CFR 1.113  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1816

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David WALLACH et al

Appln. No.: 08/485,129

Filed: June 7, 1995

For: ISOLATED DNA ENCODING TUMOR)  
NECROSIS FACTOR BINDING )  
PROTEIN II, AND VECTORS, )  
HOSTS AND PROCESSES USING )  
SUCH DNA )

Art Unit: 1816

Examiner: R. Schwadron

Washington, D.C.

November 3, 1997

Atty. Docket: WALLACH=5B

AMENDMENT  
Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Official Action of July 2, 1997,  
petition for a one-month extension of time and late fee being  
attached hereto, please amend as follows:

IN THE CLAIMS

Claim 11 (amended), line 4, before "Tumor" insert  
✓  
--naturally occurring--.

Claim 35, line 2, before "Tumor" insert --naturally  
occurring--.

Claim 36, line 2, before "Tumor" insert --naturally

11/04/1997 SCHWADRON 00060070 08485129  
01 FC:115 110.00 OP

REMARKS

Claims 11-14 and 34-45 presently appear in this case.  
Claims 14, 39, 42 and 45 have been withdrawn from consideration.  
No claims have been allowed. The official action of July 2,